UNITED NATIONS

UNITED NATIONS CONFERENCE ON HUMAN SETTLEMENTS (HABITAT II)

Istanbul, Turkey
3-14 June 1996

Distr.
GENERAL

A/CONF.165/2
26 April 1996

ORIGINAL: ENGLISH

Item 3 of the provisional agenda*

ADOPTION OF THE RULES OF PROCEDURE

Provisional rules of procedure

Note by the Secretariat

The provisional rules of procedure for the United Nations Conference on Human Settlements (Habitat II), as approved by the Preparatory Committee for the Conference at its second session (see A/50/37) and as amended by the Bureau of the Preparatory Committee at its meeting held on 8 November 1995, and as approved by the General Assembly in its resolution 50/100 of 20 December 1995, are submitted to the Conference for adoption.

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* A/CONF.165/1.

96-10693 (E) 300496 010596

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PROVISIONAL RULES OF PROCEDURE FOR THE UNITED NATIONS CONFERENCE ON HUMAN SETTLEMENTS (HABITAT II)

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I. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Alternates and advisers

Rule 2

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Submission of credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the secretariat of the Conference, if possible not less than one week before the opening of the Conference. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 4

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its fiftieth session. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Elections

Rule 6

The Conference shall elect from among the representatives of participating States the following officers: a President, 27 Vice-Presidents and an ex officio Vice-President from the host country, a Rapporteur-General, and a Chairman for each of the Main Committees established in accordance with rule 46. These officials shall be elected on the basis of ensuring the representative character of the General Committee composed in accordance with rule 11. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

General powers of the President

Rule 7

1. In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each meeting, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each participant in the Conference may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his/her functions, remains under the authority of the Conference.

Acting President

Rule 8

1. If the President is absent from a meeting or any part thereof, he/she shall designate one of the Vice-Presidents to take his/her place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 9

If the President is unable to perform his/her functions, a new President shall be elected.

Voting rights of the President

Rule 10

The President, or a Vice-President acting as President, shall not vote, but shall appoint another member of his/her delegation to vote in his/her place.

III. GENERAL COMMITTEE

Composition

Rule 11

The President, the Vice-Presidents, the Rapporteur-General and the Chairmen of the two Main Committees shall constitute the General Committee. The President, or in his/her absence, one of the Vice-Presidents designated by him/her, shall serve as Chairman of the General Committee. The Chairman of the Credentials Committee may participate, without the right to vote, in the General Committee.

Substitute members

Rule 12

If the President or a Vice-President is to be absent during a meeting of the General Committee, he/she may designate a member of his/her delegation to sit and vote in the Committee. In case of absence, the Chairman of a Main Committee shall designate a Vice-Chairman of that Committee as his/her substitute. When serving on the General Committee, a Vice-Chairman of a Main Committee shall not have the right to vote if he/she is of the same delegation as another member of the General Committee.

Functions

Rule 13

The General Committee shall assist the President in the general conduct of the business of the Conference and shall ensure the coordination of its work.

IV. SECRETARIAT OF THE CONFERENCE

Duties of the Secretary-General

Rule 14

The Secretary-General of the United Nations, or a member of the secretariat designated by him, shall act in that capacity in all meetings of the Conference and its subsidiary bodies.

Duties of the secretariat

Rule 15

The secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce and circulate the documents of the Conference;

(c) Make and arrange for the keeping of sound recordings of meetings;

(d) Publish and circulate the report and official records of the Conference;

(e) Arrange for the custody of the documents and records of the Conference in the archives of the United Nations;

(f) Generally perform all other work that the Conference may require in connection with its proceedings.

Statements by the secretariat

Rule 16

The Secretary-General of the United Nations, or any member of the secretariat designated for that purpose, may at any time make either oral or written statements concerning any question under consideration.

V. OPENING OF THE CONFERENCE

Temporary President

Rule 17

At the opening of the first meeting of the Conference, the Secretary-General of the United Nations or, in his absence, his representative, shall preside until the Conference has elected its President.

Decisions concerning organization

Rule 18

The Conference shall, at its first meeting:

(a) Adopt its rules of procedure;

(b) Elect its officers and constitute its subsidiary bodies;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(d) Decide on the organization of its work.

VI. CONDUCT OF BUSINESS

Quorum

Rule 19

The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the States participating in the Conference are present. The presence of representatives of a majority of such States so participating shall be required for any decision to be taken.

Speeches

Rule 20

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 21 and 22 and 24 to 28, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the question before the Conference and the President may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to speakers and the number of times each participant may speak on any question. Permission to speak on a motion to set such limits shall be accorded to only two representatives in favour of and two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the Conference, the President shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him/her to order without delay.

Points of order

Rule 21

During the discussion of any matter, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Precedence

Rule 22

The Chairman or Rapporteur of a Main Committee or a representative designated by any other subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by the body.

Closing of the list of speakers

Rule 23

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed.

Right of reply

Rule 24

1. Notwithstanding rule 23, the President shall accord the right of reply to a representative of any State participating in the Conference who requests it. Any other representative may be granted the opportunity to make a reply.

2. The statements made under this rule shall normally be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner.

3. The representatives of a State may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Adjournment of debate

Rule 25

A representative of any State participating in the Conference may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded to only two representatives in favour and two opposing the adjournment, after which the motion shall, subject to rule 28, be immediately put to the vote.

Closure of debate

Rule 26

A representative of any State participating in the Conference may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his/her wish to speak. Permission to speak on the motion shall be accorded to only two representatives opposing the closure, after which the motion shall, subject to rule 28, be immediately put to the vote.

Suspension or adjournment of the meeting

Rule 27

Subject to rule 38, a representative of any State participating in the Conference may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 28, be immediately put to the vote.

Order of motions

Rule 28

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Submissions of proposals and substantive amendments

Rule 29

Proposals and substantive amendments shall normally be submitted in writing to the secretariat of the Conference, which shall circulate copies to all delegations. Unless the Conference decides otherwise, substantive proposals shall be discussed or put to a decision no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations. The President may, however, permit the discussion and consideration of amendments, even though these amendments have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 30

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 31

Subject to rule 28, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Reconsideration of proposals

Rule 32

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded to only two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VII. DECISION-MAKING

General agreement

Rule 33

The Conference shall make its best endeavours to ensure that the work of the Conference is accomplished by general agreement.

Voting rights

Rule 34

Each State participating in the Conference shall have one vote.

Majority required

Rule 35

1. Subject to rule 33, decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Except as otherwise provided in these rules, decisions of the Conference on all matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Meaning of the phrase "representatives present and voting"

Rule 36

For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Method of voting

Rule 37

1. Except as provided in rule 44, the Conference shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each State shall be called in all roll-calls and its representative shall reply "yes", "no" or "abstention".

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote, which shall, unless a

representative requests otherwise, be taken without calling out the names of the States participating in the Conference.

3. The vote of each State participating in a roll-call or a recorded vote shall be inserted in any record of or report on the Conference.

Conduct during voting

Rule 38

After the President has announced the commencement of voting, no representative shall interrupt the voting except on a point of order in connection with the process of voting.

Explanation of vote

Rule 39

Representatives may make brief statements, consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Division of proposals

Rule 40

A representative may move that parts of a proposal be voted on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded to only two representatives in favour of and two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the Conference for decision as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 41

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 42

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 43

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a decision is taken on the proposal in question.

Elections

Rule 44

All elections shall be held by secret ballot, unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or slate.

Rule 45

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such a majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the

largest number of votes in the previous ballot, in a number not exceeding twice the number of places remaining to be filled.

VIII. SUBSIDIARY BODIES

Main Committees

Rule 46

The Conference may establish two Main Committees, as required, and a drafting Committee, which may be set up in accordance with the practice of other United Nations conferences.

Representation on a Main Committee

Rule 47

Each State participating in the Conference may be represented by one representative on each Main Committee. Each State may assign to the Committees such alternate representatives and advisers as may be required.

Other subsidiary bodies

Rule 48

The Conference and the Main Committees may establish such working groups as they deem necessary for the performance of their functions.

Officers

Rule 49

Except as provided in rule 6 or otherwise decided, each subsidiary body shall elect its own officers.

Procedures of subsidiary bodies

Rule 50

Unless otherwise decided by the Conference, these rules apply, mutatis mutandis, to the subsidiary bodies, except that:

(a) A majority of the representatives on the Credentials Committee shall constitute a quorum;

(b) The Chairman of a Main Committee or a working group may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present;

(c) The Chairmen of the General Committee, Credentials Committee and working groups may exercise the right to vote in those bodies;

(d) Decisions of committees and working groups shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal shall require the majority established by rule 32.

IX. LANGUAGES AND RECORDS

Languages of the Conference

Rule 51

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 52

1. Speeches made in a language of the Conference shall be interpreted into other such languages.

2. A representative may speak in a language other than a language of the Conference if he/she provides for interpretation into one such language.

Languages of official documents

Rule 53

Official documents of the Conference shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 54

Sound recordings of meetings of the Conference and of a Main Committee shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided, no such recordings shall be made of the meetings of any working group.

X. PUBLIC AND PRIVATE MEETINGS

General principles

Rule 55

1. The plenary meetings of the Conference and the meetings of the Main Committees shall be held in public unless the body concerned decides otherwise. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the plenary.

2. As a general rule, meetings of other bodies of the Conference shall be held in private.

Communiqués on private meetings

Rule 56

At the close of a private meeting, the body concerned may issue a communiqué through the secretariat of the Conference.

XI. OTHER PARTICIPANTS AND OBSERVERS

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Rule 57

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices have the right to participate as observers, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, any working group.

Rule 58

Associate members of regional commissions

Representatives designated by associate members of regional commissions may participate as observers, without the right to vote, in the deliberations of the Conferences, the Main Committees and, as appropriate, any other committee or working group.

Representatives of the specialized agencies 1/

Rule 59

Representatives designated by the specialized agencies may participate, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, any working group on questions within the scope of their activities.

Representatives of other intergovernmental organizations and other entities

Rule 60

Representatives designated by interested intergovernmental organizations and other entities invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, any working group on questions within the scope of their activities.

Representatives of interested United Nations organs

Rule 61

Representatives designated by interested organs of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, any working group on questions within the scope of their activities.

Representatives of local authorities

Rule 62

Representatives of local authorities, designated by accredited international associations of local authorities in consultation with national associations of local authorities, invited to the Conference may participate, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any other committee or working group, on questions within the scope of their activities. Every effort shall be made to make the representation of local authorities balanced in terms of region, size and type of local authorities.

1/ For the purposes of these rules, the term "specialized agencies" includes the International Atomic Energy Agency and the World Trade Organization.

Representatives of non-governmental organizations

Rule 63

1. Non-governmental organizations accredited to participate in the Conference may designate representatives to sit as observers at public meetings of the Conference and the Main Committees.

2. Upon the invitation of the presiding officer of the body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have special competence. If the number of requests to speak is too large, the non-governmental organizations shall be requested to form themselves into constituencies, such constituencies to speak through spokespersons.

Written statements

Rule 64

Written statements submitted by the designated representatives referred to in rules 57 to 63 shall be distributed by the secretariat to all delegations in the quantities and in the language in which the statements are made available to it at the site of the Conference, provided that a statement submitted on behalf of a non-governmental organization is related to the work of the Conference and is on a subject in which the organization has a special competence. Written statements shall not be issued at United Nations expense and shall not be issued as official documents.

XII. AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Method of amendment

Rule 65

These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.

Method of suspension

Rule 66

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.